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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/778,604	02/07/2001	Paul Magee	D-1131 R	4603

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EXAMINER

AKERS, GEOFFREY R

ART UNIT

PAPER NUMBER

3624

DATE MAILED: 07/18/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application 09/778604	Applicant(s) <i>[Signature]</i>	
	Examiner <i>[Signature]</i>	Art Unit 3624	Confirmation No. <i>[Signature]</i>

- The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address -

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- ☒ Responsive to communication(s) filed on 6/20/07
- ☐ This action is FINAL. ☒ This action is non-final.
- ☐ Since this application is in condition for allowance except for the formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- ☒ Claim(s) 1-43 is/are pending in this application.
- Of the above claim(s) _____ is/are withdrawn from consideration.
- ☐ Claim(s) _____ is/are allowed.
- ☒ Claim(s) 1-43 is/are rejected.
- ☐ Claim(s) _____ is/are objected to.
- ☐ Claim(s) _____ are subject to restriction or election requirement.

Application Papers

- ☐ The proposed drawing correction, filed on _____ is ☐ approved or ☐ disapproved by the Examiner. If approved, corrected drawings are required in reply to this Office action.
- ☐ The drawing(s) filed on _____ is/are ☐ accepted or ☐ objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119 (a)-(d) or (f).
- ☐ All ☐ Some* ☐ None of the:
- ☐ Certified copies of the priority documents have been received.
- ☐ Certified copies of the priority documents have been received in Application No. _____.
- ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
- *Certified copies not received:

- ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- ☐ The translation of the foreign language provisional application has been received.
- ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- ☒ Information Disclosure Statement(s), PTO-1449, Paper No(s) _____
- ☐ Notice of References Cited, PTO-892
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Interview Summary, PTO-413
- ☐ Notice of Informal Patent Application, PTO-152
- ☐ Other _____

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DETAILED ACTION

1. Newly amended claims 1-43 have been examined.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Newly amended claims 1-43 are rejected under 35 USC 103(a) as unpatentable over Walter(US Pat. No:5,992,570)in view of Bohnert(US Pat. No:6,092,626) and further in view of Nicoll(US Pat. No: 6,484,936).
4. As per claims 1-43 Walter teaches an automated teller machine(Abstract)(Fig 1)(Fig 3/77) and which can dispense cash(Abstract)(Fig 2/24)(Fig 19/976) and a display screen(Abstract)(Fig 2/38)(Fig 5/314)(Fig 6/408)(Fig 12). Bohnert teaches a service station transaction drive up terminal in a drive-through(Abstract)(Fig 2/17/18) which incorporates input parameters(Figs 3)(Fig 4).Nikell teaches an audio input and output(Fig 1/18).Nikell also teaches a visual recording means(Fig 2/114) as well as means for accommodating users of different heights and physical requirements(col 1 lines 33-col 2 line 50).It would have been obvious to one skilled in the art at the time of the invention to combine Walter in view of Bohnert to teach part of applicant's disclosure.The motivation to combine Walter in view of Bohnert is to teach a self

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service ATN system dispensing cash which can be utilized in a drive-up mode as enunciated by Bohnert(col 2 lines 38-45). It also would have been obvious to one skilled in the art at the time of the invention to combine Walter in view of Bohnert and further in view of Nikell to teach applicant's invention. The motivation to combine Walter in view of Bohnert in view of Nikell is to teach an ATM machine convenient for drivethrough applications and which can accommodate applicants with varying physical requirements as enunciated by Nikell(col 1 lines 11-30).

Claim Rejections - 35 USC § 112

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Newly amended claims 1-43 are further still rejected under 35 USC 112(2nd) for failing to point out and particularly claim what applicant regards is the invention. The claims are too broad to read on any distinguishable features of the disclosure vis a vis the existing art. Additionally, claims 1-30 are apparatus claims.

Response to Arguments

7. Applicant's arguments with respect to amended claims 1-43 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

8. **THIS ACTION IS MADE NON-FINAL.**

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9. Any questions concerning this communication should be addressed to the primary examiner of record, Dr. Geoffrey Akers, P.E., who can be reached between 6:30 AM and 5:00 PM Monday through Friday at 703-306-5844. If attempts to contact the primary examiner are unsuccessful, the primary examiner's superior, Mr. Vincent Millin, SPE, may be telephoned at (703)-308-1065.

The fax number for Formal or Official faxes and Draft or Informal faxes to Technology Center 3600 or this Art Unit is (703)-308-3687. Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703)-308-1113.



July 16, 2003

DR. GEOFFREY R. AKERS, P.E.
PRIMARY EXAMINER